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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,527	05/01/2001	David Koo	US 010225	4129

24737 7590 05/19/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

TRAN, TRANG U

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/846,527

Applicant(s)

KOO, DAVID

Examiner

Trang U. Tran

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 7 and 9.

Claim(s) objected to: _____.

Claim(s) rejected: 1-6, 8 and 10-21.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed April 12, 2004 have been fully considered but they are not persuasive.

In re page 2, applicants state that the Examiner is relying on priority of Limberg's provisional application 60/217,495 filed on July 11, 2000 to antedate the Applicants' May 1, 2001 filing data because the published application was filed on July. 11, 2001, approximately two months after the instant application was filed and applicants challenge the Examiner to show whether or not the provisional Application does in fact provide priority support for the U.S. Patent Application Publication U.S. 2002/0051087 A1, for Applicants do not believe that they are allowed at this time to examine the file wrapper of Limberg, as this application is still undergoing prosecution.

In response, MPEP, § 706.02(i) states that

"In determining the 35 U.S.C. 102(e) date, consider priority/benefit claims to earlier-filed U.S. provisional application under 35 U.S.C. 119(e), U.S. nonprovisional applications under 35 U.S.C. 120 or 121, and international applications under 35 U.S.C. 120, 121 or 365(c) only if the subject matter used to make the rejection is appropriately supported in the relied upon earlier-filed application's disclosure (and any intermediate application(s))."

Attached hereto is the specification of provisional application 60/217,495, which supports all the relied limitations as discussed in the last Office Action. Thus, US 2002/0051087 A1 publication is entitled to the benefit of the filing data of provisional application 60/217,495.

In re page 2-3, applicants argue, with respect to the rejection of 35 U.S.C. § 102(e), that Limberg is completely silent with regard to the recitation of providing a substantially echo-free digital data stream at an output thereof.

In response, the examiner respectfully disagrees. Limberg et al discloses in page 13, paragraph #0098 that

“Many designs for a DTV receiver embodying the invention in certain of its aspects still provide for temporal buffering between the various procedures for adapting the adaptive filtering used for channel-equalization and **echo cancellation**”.

From the above passage, it is clear that Limberg et al is directed to channel-equalization and **echo cancellation**. The video output signal of Limberg et al must be substantially echo-free digital data stream because Limberg et al's adaptive filter is used for channel-equalization and echo cancellation.

In re pages 3, applicants argue, with respect to 35 U.S.C. 103(a), that claim 12 is allowable at least for its dependence from claim 1, which is believed to be allowable for the above reasons stated in the traversal of the rejection under 35 U.S.C. §102(e).

In response, as discussed above, Limberg et al discloses all the claimed limitations including the claimed “substantially echo-free digital data stream”.

In re pages 3-4, applicants challenge the Examiner, with respect to obviousness-type double patenting over claims 1 and 9 of co-pending Application 09/848,061 in view of Limberg, to provide proof that the provisional application 60/217,495 filed July 11, 2000 provides priority support for Fig. 5 and paragraph 0054 of the Patent Application Publication US 2002/0051087 and argue that both co-pending Application 09/848,061

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and Limberg et al do not disclose the claimed "substantially echo-free digital data stream".

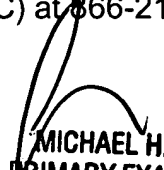
In response, as discussed above, provisional application 60/217,495 does provide support for Fig. 5 and paragraph 0054 of the Patent Application Publication US 2002/0051087 (see Fig. 7 and its respective disclosure of the attached provisional application 60/217,495) and that Limberg et al does disclose the claimed "substantially echo-free digital data stream".

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (703) 305-0090. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT TT
May 6, 2004


MICHAEL H. LEE
PRIMARY EXAMINER